REMARKS/ARGUMENTS

Claims 1-6 and 8-23 are active in this application. Claim 1 is amended to clarify the preamble that the method is to softening expression lines as set forth in a later part of the claim. Claim 23 is added and combines Claim 1 and Claim 4 with the further limitation that only adenosine is administered.

No new matter is believed to be added by virtue of this amendment.

Before addressing the rejections specifically, Applicants request that the finality of the Office Action be withdrawn. Specifically, as outlined in the MPEP § 706(a) (emphasis added):

> Under present practice, second or any subsequent actions on the merits shall be final, **except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment** of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

The previously filed amendment clearly falls within this exception as explained by the Office in the MPEP. The rejections, particularly, those under § 102 in view of Lapinet and Dobson could have been raised in the prior Office Action, but were not. In the first Office Action, only Claims 1, 8, 21, and 22 were rejected in view of Dobson and only Claims 1 and 2 were rejected in view of Lapinet (under § 102). Notably absent from these rejections was Claim 7. The only claim amendment that was submitted in the response of September 2005 was to incorporate the limitations of Claim 7 into independent Claim 1. Now, having done so, the Office takes the position that the combination of Claim 1 and 7 are anticipated by the cited references whereas before the Office did not take this position.

Accordingly, the finality of the Action is believed to be improper.

At minimum, Applicants request entry of the amendments as they would simplify the issues on Appeal.

The pending claims in this application are directed to a method of softening expression by topical application to one or more zones of the face or forehead marked with expression lines and/or to persons of a composition of adenosine or an adenosine derivative. What sets the claimed invention apart from the knowledge available previously (and particularly the cited art) is the discovery that adenosine or its derivatives can be used to treat expression lines.

As a basis for maintaining the prior art rejections, the Office considers the discussion of using adenosine to treat damaged skin, aged skin, and/or wrinkles in the cited publications the same as the treatment of expression lines as claimed. However, the Office has failed to appreciate one important fact, normal wrinkling processes resulting from age and/or the environment are fundamentally different than the formation and subsequent treatment of expression lines (which is the subject matter of the pending claims).

As discussed in the specification on pages 2-3, several treatments for treating wrinkles were known. However, these treatments for wrinkles and fine lines do not effect expression lines because expression lines are produced by mechanisms that differ from those generating lines due to ageing. Thus, the Office must appreciate that one treating wrinkles, in general, that arise due to ageing and/or exposure to skin, is simply not the same as for the treatment of expression lines (which are completely different).

The rejections of Claims 1, 8, 21, and 22 as being anticipated by U.S. patent no. 6,423,327 ("Dobson") and Claims 1-22 under 35 USC 103(a) in view of Dobson are respectfully traversed.

Dobson describes the use of adenosine for "enhancement of skin condition[s]" such as those resulting from exposure to sun, including wrinkling, roughness, dryness or laxity of the skin (see col. 2, lines 43-48). Dobson's method is based on the discovery "that adenosine stimulates DNA synthesis, increase protein synthesis, and increases cell size in cultures of human skin fibroblasts" (see col. 1, lines 37-41). Specifically, Dobson uses adenosine in an amount of 10^{-4} M to 10^{-7}M (col. 2, lines 14-16; which is 0.027 ppm to 0.027% as M=267.24 g/mol) and preferably 10^{-4} M (0.003%).

Having explained and established that wrinkles, in general of the type treated in Dobson, are different from expression lines as claimed, it is not clear how the Dobson disclosure can be deemed anticipatory to the claims.

Furthermore, while Dobson generally describes that the adenosine composition can be applied topically, it does so with additional reference to transdermal patches, oral, subdermal, intradermal, or intravenous administration routes (see col. 5, lines 10-29). Dobson does not describe nor provide any reasonable suggestion for applying a composition to certain zones marked with expression lines and/or persons having expression lines as claimed herein.

Furthermore, Dobson does not describe or reasonably suggest the specific intent of softening lines and/or relaxing skin and/or facial features as claimed. . Rather, Dobson, as discussed above, and disclosed in col. 2, lines 35-37 has the intent of enhancing a skin condition, which "means a noticeable decrease in the amount of wrinkling, roughness, dryness, laxity, sallowness, or pigmentary mottling in skin." As the claimed method sets forth an intentional purpose whereas Dobson describe the use of adenosine compounds for a purpose other than that defined in the claims, the claims would not have been obvious in view of the Dobson disclosure.

With respect to dependent claims 4, 5, and 6 and independent claim 23, Dobson does not describe the amounts of adenosine defined in those claims and, in fact teaches one away from such concentrations as Dobson specifically requires not to use more adenosine than taught so as to avoid proliferation of the dermal cells (see col. 1, lines 59-60, col. 2, lines 6-7; and claim 1 of Dobson).

Accordingly, the pending claims in this application are not anticipated by nor would have been obvious in view of the Dobson disclosure. Having clearly established these facts, withdrawal of the rejections is requested.

Turning to the rejection of Claims 1 and 2 in view of Lapinet, this rejection is also untenable as the claims treat expression lines whereas Lapinet treats wrinkles, which as described above are completely different.

Lapinet describes the use of cyclic adenosine monophosphate (cAMP) for soothing and softening the skin "which become chapped or reddened by minor irritations caused by excessive exposure to sun or wind" (col. 1, lines 54-56). Such conditions include wrinkles around the neck. In fact, in the reported test in Example II of Lapinet, "wrinkles around the neck" are shown to be effected. Nothing in Lapinet teaches one what effect would be had on the face or forehead (which is a limitation in the claims) and particularly those regions on the face or forehead marked with expression lines (which is also a limitation in the claims). Therefore, not only does Lapinet teach a different method than that claimed, Lapinet does not describe or suggest all of the limitations of the claims. A fundamental requirement of anticipation is that the applied prior art must describe all of the claimed limitations and here the prior art does not do that.

Claim 23 is not anticipated by Lapinet because in addition to the points discussed above, Lapinet does not describe the administration of adenosine.

In view of the above-discussion, Applicants request that the rejection in view of Lapinet be withdrawn.

Applicants request allowance of this case.

Respectfully submitted,

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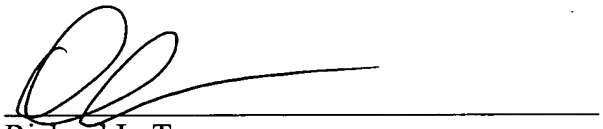

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